Department for Constitutional Affairs
Justice, rights and democracy

Guide for Burial Ground Managers

November 2005

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1 Introduction

1.1 A number of guides or reference documents already exist for those whose duties are wholly or partly directed to the management of burial grounds. For the most part, however, existing guidance has been designed for use by managers of particular types of cemetery or churchyard (such as the larger municipal cemetery or Church of England churchyard). The purpose of this guide is to draw together in one place general but relevant advice for all burial ground managers, with pointers to where more detailed guidance and training may be obtained (Annex A).

1.2 The objectives of this guide are therefore:

- to ensure that burial ground managers are familiar with the legal framework within which they operate
- to encourage consistent but challenging levels of service and standards for the bereaved and the wider community
- to promote appreciation of, and commitment to, the wider role of burial grounds in the environmental, historical and cultural life of the community.

1.3 The management of burial grounds consists of a number of distinct elements, most of which will be required whatever the type of burial ground in question. In common with many other commercial activities, burial ground managers will require staff, resources and business management skills, but this guidance focuses on the particular issues of importance and relevance to burial grounds rather than wider and more general business management considerations.

1.4 Since work on this document commenced, responsibility for burial law and practice has been transferred from the Home Office to the Department for Constitutional Affairs (DCA) and references to the Home Office in existing publications concerning burial matters should now be regarded as references to the DCA.

2 The Law

2.1 All burial ground managers need to be familiar with the law which applies to their sites. In some cases, there are detailed statutes governing what may, must, or must not be done. Local authority cemeteries and, to a lesser extent, Church of England churchyards, come within this category. Somewhat less regulated may be burial grounds which were established by Acts of Parliament. Private burial grounds, including religious burial grounds of various denominations and faiths, and, for example, private woodland or natural burial sites, will be the least regulated.

2.2 Even where burial grounds may not be subject to site specific legislation, there may be other legislation which regulates what the burial ground manager may or must do. For example, all burial authorities must keep a register of burials. Particular burial grounds may be the subject of local Acts (or Measures in relation to Church of England churchyards), or Orders in Council (for example, to discontinue burials with or without exceptions). Failure to observe these provisions may amount to an offence, or may result in legal proceedings.

2.3 But burial legislation, or burial-related legislation, is not the only legislation which burial managers need to take into account. Given the nature of the activities in most burial grounds, health and safety legislation is of particular importance. Because some managers will also employ staff, or contract for the goods and services needed to operate the burial ground, they will also need to be conversant with contract and employment law. Awareness of relevant aspects of ecclesiastical law will also be required by those responsible for Church of England churchyards (or grounds which have, at least in part, been consecrated according to the rites of the Church of England).

2.4 A guide of this nature cannot provide a comprehensive account of the legislation that applies to the disparate range of burial grounds throughout England and Wales. However, it can serve to highlight the most important aspects which burial managers should take into account. The following paragraphs seek to do this.

General

2.5 There are few laws of general application to burial grounds. Most burial law is directed at particular types of burial grounds, such as those operated by local authorities (the Local Authorities' Cemeteries Order 1977 (LACO), as amended) or the Church of England (various ecclesiastical Measures, although the law relating to churchyards is mostly common law). Individual burial grounds may also be subject to private Acts of Parliament (for example, some private cemeteries, or burial grounds which have been developed for some other purpose). But the following provisions should be noted:

Authority to bury

2.6 Before a burial takes place, authority for the burial should be produced. This will normally consist of a certificate from the Registrar of Births and Deaths, or the coroner's burial order. In the case of a death overseas, the Registrar may issue a certificate of no liability to register (except in the case of a stillborn child where no provision exists in law to issue this certificate where still birth occurred abroad), which will include authority to bury. In the absence of the Registrar's certificate or coroner's order, a declaration in prescribed form that the certificate or order have been issued may be accepted. A duplicate certificate may also be issued by a Registrar.

2.7 Within 96 hours of a burial, the Registrar of Births and Deaths must be notified of the details of the date and place of the burial. The detachable portion of the Registrar's certificate ('green form') or Registrar's certificate of non-liability ('white form') or the coroner's order may be used for this purpose.

2.8 There is no separate provision for authority to bury parts of bodies, including blocks and slides made from tissue and organs removed for examination or foetal remains. Where burial authorities are approached about accepting such material (normally from post mortem examinations, but also *ante mortem* following surgery) or foetal remains, the DCA takes the view that this is not precluded from burial under burial legislation, but that burial authorities will wish to decide for themselves whether to accept such material, having regard to practicalities. The Institute of Cemetery and Crematoria Management (ICCM) has issued guidance on the acceptance of blocks and slides and foetal remains. The Association of Burial Authorities (ABA) provides guidance on burial of retained body parts. Key issues will be whether blocks and slides are adequately documented or present an environmental hazard. Exhumation licences and faculties (see paragraphs 2.10 *et seq* below) may be needed where the intention is to place the remains inside the coffin containing the deceased in an existing grave.

2.9 From time to time, burial ground managers may receive applications to re-bury remains which have been exhumed from other burial grounds. There is no requirement for a fresh certificate from the Registrar of Births and Deaths, but it will be good practice to require the production of the exhumation licence or the directions in accordance of which the remains are to be buried. Failure to produce documentary evidence relating to the authority with which the remains have been exhumed will not present a legal obstacle to their re-burial, but burial ground managers should satisfy themselves that there is no reason to suppose that the remains have been exhumed or acquired unlawfully or that there is any need for the circumstances to be investigated by the coroner or the police. Most such cases are likely to involve remains removed from ancient burial grounds by professional archaeologists.

Exhumation

2.10 Section 25 of the Burial Act 1857 makes it an offence to remove buried human remains without a licence from the Secretary of State or, in relation to ground consecrated according to the rites of the Church of England, a faculty. The DCA takes the view that a licence is required for any kind of removal or disturbance, including relocating coffins in the same grave. Moreover, because it is always difficult to predict with confidence the condition and position of a coffin, a licence is recommended even where a grave is excavated, for example, simply to make a visual identity check from the coffin name plate.

2.11 If the ground is consecrated, no licence is required, in addition to a faculty, if the remains are to be removed to a different grave in consecrated ground in the same or another churchyard or cemetery. If the coffin is to be moved within the grave, or removed and replaced in the same grave, the DCA takes the view that the law requires a licence in addition to a faculty. The DCA will normally be prepared to issue a licence if an application is made for personal reasons and if all relevant consents have been given. For land that is consecrated, burial is regarded as permanent. Applications for a faculty to authorise exhumation are granted only in special circumstances.

2.12 From time to time, coffins are placed in the wrong grave. A licence (or faculty) will be required if they are to be removed and replaced in the correct grave. The question may arise as to whether a licence is needed in such circumstances, especially where the mistake has been identified during or immediately after the funeral. The DCA understands that remains should be regarded as buried on completion of the committal procedure and that therefore remains should not be removed after that point without a licence (or faculty).

2.13 If graves need to be disturbed for works, such as construction or the provision of utility services, licences and/or faculties under the above legislation will be required. However, where burial land has been acquired by a local authority or similar body for such purposes, the Town and Country Planning (Churches, Place of Religious Worship and Burial Grounds) Regulations 1950 will apply and relieve the need for exhumation licences (but will require the removed remains to be disposed of in accordance with directions from the DCA).

2.14 Managers of disused burial grounds should be aware of the provisions of the Disused Burial Grounds (Amendment) Act 1981 which require certain procedures to be observed before remains can be removed (and which enable relatives to prevent development in certain circumstances). There are similar, but not identical, provisions under section 65 of the Pastoral Measure 1983 in relation to churchyards subject to a redundancy scheme. The application of the various legislative provisions according to circumstances is set out in the flowchart at Annex B.

Inspection and the enforcement of works

2.15 Section 8 of the Burial Act 1855 provides for the inspection of any burial ground by a person appointed for that purpose by the Secretary of State. It is an offence to obstruct such a person in the course of his or her duties. There is, however, no regular inspection process or standing body of inspectors.

2.16 Section 23 of the Burial Act 1857 provides for an Order in Council to be made to require works to be undertaken for the purposes of preventing places of burial becoming or continuing to be dangerous or injurious to public health. Section 1 of the Burial Act 1859 also provides that if such works are not carried out, responsibility will be passed to the relevant local authority. These provisions apply to any burial ground, not just those operated by local authorities.

Closure of burial grounds

2.17 Section 1 of the Burial Act 1853 provides for the Secretary of State to make representations to the Privy Council for an Order in Council to discontinue burials in any burial ground, with or without exceptions. These provisions are regularly invoked for the purposes of closing Church of England churchyards (in order to avoid a conflict, when full, with the Church's obligation to bury anyone with a right to burial there), but they would otherwise be reserved for use when there might be a need to prevent the continued use of a burial ground which appeared to be unsuitable, or no longer suitable, for this purpose (for example, on the grounds of public health). There is no provision for such Orders in Council, once made, to be rescinded. Nor is there a power to close a burial ground, or part of a burial ground, which has been opened with approval of the Secretary of State.

2.18 A summary note on application procedures and considerations is attached at Annex C. Full explanatory notes are provided on application and when local authorities are consulted.

Registration, plans and records of burials

2.19 Local authority cemeteries must make and keep plans of all graves, vaults and grave spaces subject to burial rights. There are no such requirements in respect of non-local authority burial grounds (unless stipulated in any private Act of Parliament to which they may be subject).

2.20 Local authority cemeteries must also register all burials and disinterments. Local Authorities Cemeteries Order (LACO) prescribes how this must be done. Such records must also be stored safely. Burials elsewhere must, unless such a requirement has been imposed by some other legislation, be recorded in a register by the responsible person in accordance with the provisions of the Registration of Burials Act 1864. This legislation will normally apply only to private cemeteries not subject to LACO,

ecclesiastical law (Parochial Registers and Records Measure 1978, as amended), or any private legislation which may apply to the burial ground and requires a register of burials to be kept.

Notice of burial

2.21 The amount of notice to be given to the burial authority before a burial can be undertaken is not usually prescribed in legislation, but practice will need to take account of the legal documentation required (see *Authority to bury* above).

Maintenance of burial grounds

2.22 Local authority cemeteries must be kept in good order and repair, as must be all buildings, walls and fences (LACO, Regulation 4). Church of England churchyards that have been closed must be kept in decent order, and their walls and fences in good repair (Local Government Act 1972, s.215). Private cemeteries may be subject to the requirements of their own legislation. Where private burial grounds have been taken over by local authorities, the provisions of the Local Authorities Cemeteries Order 1977 will normally apply.

2.23 Burial authorities may contribute towards the provision or maintenance of burial grounds in which their inhabitants may be buried (Local Government Act 1972, s.214). This is entirely discretionary. Responsibility for maintenance of churchyards closed to further burials by Order in Council may be transferred by the parochial church council to the relevant local authority (Local Government Act 1972, s.215). If the parish or town council does not wish to accept that responsibility, notification will need to be given to the relevant district or metropolitan council within three months. If so, the district or metropolitan council must accept that responsibility. It is not uncommon for families/next of kin to place unauthorised items in burial grounds on or around a grave. Families and the public should be informed from an early stage about what kinds of memorials are acceptable along with being advised if any unauthorised items are to be removed. Although this will not remove all possible distress felt by the family it will minimise any distress that might be caused.

2.24 Disused burial grounds may also be transferred to local authorities as open spaces (Open Spaces Act 1906). Such transfers are by negotiation and are entirely voluntary. If such transfers take place, the Open Spaces Act requires the local authority to hold and administer the burial ground for the enjoyment of the public as an open space, under proper control and regulation. The burial ground must be kept in a good and decent state. The local authority may also enclose the ground and undertake works to improve the site. Where the site is or contains consecrated ground, management of the site must be authorised by licence or faculty of the Bishop. The Open Spaces Act also makes provision for the removal or relocation of tombstones and memorials. The playing of

games or sports on such open spaces is prohibited unless sanctioned by the persons from whom the site was acquired, or by the Bishop in respect of consecrated ground.

General powers of management

2.25 Local government burial authorities have been given wide powers for the management, regulation and control of a cemetery under the LACO. Essentially, these matters are for the discretion of the authority. Such authorities may also enclose, lay out and embellish a cemetery as they see fit, but they also must keep it in good order and repair, together with the buildings, walls and fences. The Order makes discretionary provision to provide mortuaries and biers, to set aside part of a cemetery for consecration or use by particular denominations or religious bodies, or to place a chapel on such areas. Such chapels may be provided for use by the Church of England or other denominations or religious bodies on application and where funded other than by the burial authority. Burial facilities may also be shared with other burial authorities.

2.26 Fees may be charged at the discretion of the burial authority for burials, right to erect and maintain memorials and additional inscriptions. New legislation has recently been introduced which permits best value authorities to charge for discretionary services and those ranked highly with their Comprehensive Performance Assessment (CPA) having powers to trade[1]. Unauthorised memorials may be removed, and LACO authorises the cost of doing so to be recovered from the person responsible, or their personal representative. However, it is suggested that these latter powers should be exercised with care after giving due notice or negotiating the removal by agreement, wherever possible. Paragraph 3.23 below provides some guidance on mitigating the problem of unauthorised memorials.

Burial rights in cemeteries

2.27 A particularly important aspect of the law in local authority cemeteries relates to the grant of burial rights in a grave or grave space. There is no obligation to grant rights of burial, but where they are granted, they may be granted either exclusively or otherwise. Similar rights may be granted in relation to tombstones etc. Rights may not, however, exceed 100 years, except for those granted to the Commonwealth War Graves Commission which may be granted in perpetuity. The procedures and constraints are set out in detail in LACO.

2.28 An exclusive right of burial may be transferred on the death of the registered owner to the person or persons entitled to it. A burial authority should satisfy itself that the person or persons wishing to take up the ownership are entitled to do so by the production of a grant of probate

[1] The CPA is a mechanism for categorising local government performance.

or letters of administration. If these legal documents have not been applied for or issued, the authority may accept a statutory declaration from the nearest surviving relative(s). (Training in this legal process is detailed in Annex A.)

2.29 Where the right to burial or to construct a walled grave or vault has not been exercised for 75 years (i.e. no burial has taken place), the right may be extinguished subject to compliance with due notice procedure. These rights may then be granted to any other person. A shorter period applies in London.

2.30 The right to erect memorials and to maintain graves in local authority burial grounds are subject to the procedures set out in LACO.

Maintenance of graves and memorials

2.31 It is a matter of discretion for burial authorities whether they maintain graves and memorials, or how (although the cemetery must be kept in good order). The primary responsibility of a memorial is with the family. LACO gives burial authorities the right to level the surface of any grave (to ease maintenance) and to place an identification mark, if required. Maintenance of cemeteries will often be made easier if tombstones and memorials are removed, and LACO provides for this, but where such removal is contemplated there are strict procedures which need to be followed, involving the giving of appropriate notice of intention to remove so that the owners or heirs may make alternative arrangements if they wish. Whether the removal of memorials is always an appropriate step to take (having regard to the burial ground as cultural and historical amenity – see paragraphs 8.1 *et seq* below) is another matter. During the period of the grant of exclusive right of burial a burial authority is only empowered to prevent a memorial from becoming or continuing to be a hazard to public safety. A faculty will also be required to carry out a programme of memorial clearance from consecrated areas of a cemetery. Where a faculty is granted, conditions may be imposed to control the scope of the work.

Offences in cemeteries

2.32 LACO creates certain offences in local authority cemeteries, including creating a disturbance, committing any nuisance, interfering with any burial, interfering with a grave, playing any game or sport, or entering or remaining in a cemetery when it is closed to the public. It may be open for an authority who wishes to extend the range of offences to apply for an appropriate by-law. Burial ground managers should ensure that they are familiar with any such by-laws which may apply within their burial grounds including anything relating to employed and self-employed workers working within the burial ground. Enquiries about local by-laws should be made to the relevant local authorities.

Commonwealth War Graves Commission

2.32 Local authorities may grant the Commonwealth War Graves Commission (CWGC) the right to provide any structure, tree, plant or other feature. Before exercising their powers under LACO, particularly in relation to removal or repair of memorials, burial authorities must give prior notice to the CWGC as such powers cannot be exercised in respect of any grave (however marked) containing a Commonwealth War burial, without the consent of the Commission. Certain other dispensations and rights in relation to the Commission are also provided within LACO.

2.33 There are more war graves in burial grounds than is generally appreciated. In addition to those marked by its own familiar war pattern headstones, the CWGC is also responsible for many other war graves and memorials, some outside the normally accepted dates of the First and Second World Wars and some marked by private memorials provided by families. Difficulties can arise because these are not readily identifiable as war graves. Thus where there are any plans involving disturbance of human remains or memorials, contact should be made with the Commission at the earliest possible opportunity. It can assist by confirming, from its own definitive records, whether its interests are likely to be affected and by indicating any special requirements.

Ecclesiastical law

2.34 There are certain limitations as to what works or other actions may then be taken in respect of burial grounds, or parts of burial grounds, which have been consecrated according to the rites of the Church of England. Such areas are subject to the jurisdiction of the diocesan bishop, which means that no work may be carried out without authority, which is granted by way of a faculty from the diocesan consistory court. For churchyards, the control is detailed, covering gravestones, walls and fences, as well as the protection of human remains. For the consecrated parts of local authority cemeteries, the faculty jurisdiction is exercised only where the interests of justice or the respectful treatment of the dead are concerned. Where ground is consecrated, burial ground managers should consult the local diocesan registrar if major works such as exhumation or levelling of gravestones are planned.

Health and safety legislation

2.35 It is beyond the scope of this document to identify or discuss the implications of health and safety legislation for burial ground managers, or the extent to which that legislation may apply in relation to Church of England churchyards. However, all managers need to be aware of:

- relevant health and safety legislation
- the health and safety risks arising from the management of burial grounds and take appropriate steps to mitigate them.

2.37 Not only being aware of such legislation, managers need to take due care and attention when dealing with safety in a burial ground.

2.38 The main areas of risk to which burial ground managers should give attention are:

- the excavation of graves, with the risk to both grave diggers and the public
- health hazards associated with the exhumation of human remains
- the dangers posed by unstable tombstones and other memorials.

2.39 In addition, there will be the risks encountered more widely, for example those associated with building maintenance and site (horticultural) maintenance, including machinery operation (see also section on Ground Maintenance). Further information can also be gained from the Association of Burial Authorities, and the Institute of Cemetery and Crematorium Management.

Employment legislation

2.40 Many burial ground managers will have responsibility for staff and may therefore need to be familiar with relevant legislation relating to the recruitment, employment and treatment of staff. This document cannot address all the employment issues which burial managers may need to take into account, but it is important for burial ground managers to ensure that they are equipped to handle all the relevant issues. Managers within district or unitary local authorities will be able to make use of their authorities' existing human resources departments, as will the larger independent and private burial organisations, but such resources will not be available to all. Training and advice on employment issues for managers without these resources can be obtained from the sources given in Annex A.

Contract law

2.41 Burial ground managers may often need to outsource goods and services and should therefore be conversant with contract law, good procurement practices and requirements of best value. Burial Ground Managers should also be aware of the Disability Discrimination Acts 1995 and 2005. Advice and guidance on these will be available from the procurement departments of district and unitary authorities, and the larger private organisations, but may not be 'in-house' for other burial ground managers. Relevant sources for advice and training opportunities are listed in Annex A.

3 Service and Standards

Administration and records

3.1 Where the burial ground has room for new burials, whether in new or existing graves, the primary aim of the manager will be to ensure that an efficient, effective, and economic service is provided to those seeking burial services, both funeral directors and the family and friends of the deceased. Such a service will be facilitated by ensuring that the burial grounds' records of existing and planned graves are accurate and up-to-date and that they are readily accessible by those who have responsibility for accepting and making bookings.

3.2 Double-bookings of the same space, and burial in the wrong grave, are sadly not uncommon. They reflect very badly on the burial ground managers, incur additional trouble and expense to put right (see *Exhumation* above), and cause unnecessary and avoidable distress to the friends and relatives of the deceased. The orderly burial in the correct grave of the correctly-identified individual is the least the bereaved can expect. Managers should accordingly take steps to ensure that they have robust procedures for identifying the deceased, and for linking the relevant funeral service, if any, and committal process with the allocated grave.

3.3 Post-burial record keeping is equally important for confirmation that the burial took place as planned. It is good practice to ensure that a record is kept of the depth of burial, and of the depth of soil between the top of the coffin and the surface. Even if no further burials are planned for the same grave, such records may be useful in the future if the need should arise to disturb the grave for any reason. (The need to bury cremated remains, retained organs and body parts some years after the original burial is an example of an unforeseen requirement to disturb a grave.)

Responding to community needs

3.4 Burial ground managers need to be aware of the needs of their communities and to seek to meet those needs as far as possible. Such needs may include:

- service availability e.g. days/times of access; lead times for burial service; disabled access
- service options e.g. with/without funeral service; separate faith areas; burial environment [traditional/wildlife/'green']
- clear and readily accessible service information e.g. service availability and options; fees and charges
- site facilities e.g. for bereaved and visitor comfort; convenience and information.

3.5 In some cases, it is possible for families to select a grave plot of their choice, and managers may wish to consider whether such a facility might be made available more often.

3.6 Many burial grounds are likely to be constrained by virtue of their size or resources and not therefore able to offer a complete range of services in ways that are conveniently accessible to all the community. Other burial grounds may be constrained by the fact that they have been established to meet the needs of particular sections of the community. But where the opportunity exists to vary, extend or introduce new services, burial managers are encouraged to do so.

3.7 Burial ground managers should remember that they and their staff may be in contact with the bereaved at any time, and should be prepared to deal with them sensitively and compassionately. Regard to conduct and dress should accordingly be had at all times, even where, because of the nature of the task, a degree of informality is unavoidable (e.g. in grave excavation).

Access

3.8 Although most burial grounds can provide a satisfactory service by operating within normal office hours, this cannot meet the requirements of some sections of the community (such as Muslims and Jews) who will require burial facilities at short notice, seven days a week. Wherever feasible to do so, therefore, burial managers providing burial facilities for all sections of their communities should explore the demand for 'out-of-hours' working, and the costs of meeting such demands. Even where demand for 'out of hours' facilities is low, a flexible response to the occasional requirement should be planned and advertised.

Notice of burial and lead times

3.9 Burial managers should be aware of the time it will normally take to prepare for a burial from the receipt of instructions. They should make that timing clear to both funeral directors and the public, and should endeavour to ensure that such lead times are not exceeded. Certainty will normally be more important than speed.

3.10 The planning elements to be taken into account include:

- allocation of grave plot or identification of existing grave (including any requirements for location in consecrated ground or ground otherwise set aside for particular denominations or faiths)
- checking (and confirming where necessary) for any existing burial or memorial rights in relation to the grave
- checking for any known hazards or problems with the grave, or planned works in the vicinity at the proposed time/date of the funeral

- arranging for the excavation of the grave (and instructions on the depth, if the grave is to be for more than one person), and the temporary location of spoil

- co-ordination of burial service

- instructions for reception of the cortege, and backfilling and restoration of any existing memorial after the burial.

3.11 To allow for unexpected causes of delay, it may be prudent to build in additional time, or ensure that there are robust back-up procedures.

3.12 Similar considerations should be given to preparation for the exhumation of remains.

3.13 Normalised timings will inevitably be easier to determine and achieve by the larger burial grounds with dedicated staff and a regular demand for burials.

Equal treatment

3.14 Facilities and services should be designed and executed in compliance with the Disability Discrimination Acts. Burial ground managers should always have regard for equal treatment policies and practice, including provision for the disabled, whether or not specific legislation applies. Burial facilities, memorialisation, appreciation and use of a local open space amenity should be considered for all (subject to constraints of practicality and the authority's policies). Consideration should be given to wheelchair (and all-weather surface) access to all parts of the burial ground and any church or chapel. The Centre for Accessible Environment (CAE) does not require a hard surface for wheel chair users – only that surfaces do not have any sharp edges, bumps or holes in them. Attention should also be given to the needs of the hard of hearing (e.g. in connection with funeral services) and the partially sighted (particularly potential hazards). Similar consideration should be given to provision of information in local community languages. Local authorities may often be in a position to offer advice and guidance on local requirements and sources of assistance, whether or not the burial ground manager is a local government officer[2].

3.15 There is already discretionary statutory provision in relation to local authority cemeteries for separate areas to be set aside for the burial of members of different faith communities (or none). In the interests of choice, burial ground managers are encouraged to discuss with their local faith community representatives what requirements there may be and how these might best be accommodated (see *Separate faith areas* in paragraph 3.19 below). Such discussions could usefully establish links with local faith communities and address any other special requirements they may have.

[2] See also the statutory code of practice *Rights of Access: Goods, Facilities, Services and Premises* published by the Disability Rights Commission.

3.16 Consideration should be given to unintended discrimination in the provision of services. This may arise in a variety of ways, including the location and environment of common graves, or graves for the disposal of foetal remains; allowed wording of commemorative inscriptions; and recognition of the next of kin. The latter can be particularly fraught as funerals may often be arranged by one relative 'on behalf of the family' only for it to emerge that the family members have fallen out and are in dispute over the funeral arrangements.

Funeral services

3.17 The funeral service will normally be carried out in accordance with the wishes of the family of the deceased, or the executors of the estate. Arrangements will need to be in place for close communication with funeral directors and, where requested, the representative of the relevant faith or other persons who is to officiate at the funeral, so that all aspects of the funeral can proceed smoothly and in a suitably dignified and respectful manner. This will include ensuring that the burial takes place at the right time, at the right grave, which is prepared sufficiently well in advance. There will also be a need to ensure that the excavated soil does not impede access to the graveside for the number of mourners expected, and that the site is as clean and tidy as can be achieved in the circumstances. Backfilling of the grave should also be arranged in a discreet manner after the mourners have departed. However, there are instances where friends and relatives of the deceased wish to help with backfilling the grave or to remain in attendance while the grave is backfilled. Burial Authorities will want to consider what measures should be taken in such instances.

3.18 For funerals carried out on behalf of the local authority or NHS Trust (in the absence of family or friends willing or able to meet the costs), and for burials in graves without an exclusive right of burial, consideration should be given to the location of common grave plots so that there is no evident distinction of the plots or their environs which might identity them (beyond the simplicity of any grave markers or the multiple entries on any memorial stones) as in any way treated as inferior or with less respect.

Separate faith areas

3.19 Some faith communities may wish to have dedicated areas within a burial ground where members of the same community may be buried and remembered together. Managers of what are otherwise essentially secular burial grounds are recommended to give consideration to providing such areas wherever possible. Good practice will be to actively seek the requirements of local faith communities (central contact details are given in Annex D). However, it may be more difficult to estimate an appropriate size or proportion of the burial ground to be devoted in this way, and dedicated areas are likely only to be feasible within the larger burial grounds. Should a burial ground manager wish to get a clearer

picture of the needs for a separate faith area in a burial ground they may contact the Board of Deputies of British Jews or other relevant faith organisations who can help and advise in such situations.

Cremated remains

3.20 Although burial grounds were established for the burial of bodies, the gradual trend towards cremation has meant that many burial grounds also provide for the interment of cremated remains. In the case of churchyards, those with rights of burial also now have the right of burial of cremated remains, although where the churchyard has been closed by Order in Council, burial may only take place in an area set apart for that purpose by faculty. The management rules of the burial ground need carefully to specify the types of memorialisation and decoration permitted. A line has to be drawn between the needs of families and the maintenance of the character of the burial ground. Where cremated remains are buried in full size graves in which space remains for further coffined burials, the burial authority should take care to place such remains within the grave so as to ensure that they are not disturbed if a future coffined burial is required.

3.21 Columbaria may be provided in the grounds of crematoria, in burial grounds, inside churches or in areas for cremated remains in churchyards. They can provide a neat method of disposing of cremated remains; on the other hand it can be thought better for remains to be interred direct into the earth, where they may disperse over a period of time. Burial authorities will need to plan ahead and take into account the likely use of a columbarium. The management rules of the burial ground need to make clear the terms under which the remains are placed in a columbarium. The provisions of the 1857 Burial Act regarding the removal of buried human remains do not appear to protect cremated remains within an above-ground columbarium (or any other above-ground container or niche), and the DCA does not therefore issue licenses in respect of them. Where a columbarium is under the faculty jurisdiction, however, the remains will be regarded as having been placed in their final resting-place, and may only be removed under the authority of a faculty.

Burial environment

3.22 It is important for burial ground managers to have regard to the environment provided or created for burials, friends and relatives, and visitors. Lawn cemeteries may reflect the requirements or expectations of many families and visitors, but their provision is primarily to meet the needs of the managers and staff for ease of maintenance and minimising costs. There is considerable room for debate about the extent of provision of formal or informal planting and landscaping, and natural or wild-life opportunities.

3.23 Informal memorialisation can present particular difficulties for managers. Decoration of graves (and the surrounding area) with soft toys, musical ornaments and unauthorised boundary markers may serve to commemorate the deceased in an individualistic way which brings comfort to the family concerned, but can appear garish and out of place for others, detracting from the intended ambience of the burial ground. Too rigid and austere a policy towards such memorialisation can attract criticism and encourage flouting of what may be regarded as petty bureaucracy. Equally, an entirely *laissez-faire* approach may only aggravate the incidence of inappropriate and perhaps hazardous decoration. Solutions may include:

- Better information to families about permitted memorialisation and decoration on the grant of grave spaces or burial rights (including the reasons for limitations)

- Notices to this effect within the burial ground to discourage post-burial memorial additions

- Provision of separate, dedicated areas within the burial ground for informal memorialisation, coupled with strict enforcement of prohibitions outside these areas.

Information

3.24 Readily-available information for the bereaved and the general public will provide an enhanced service. Information services may be divided into three types:

- Information for the bereaved (e.g. information relating to coroners and inquests; probate; benefits; taxes; and counselling services)

- Information about the burial ground (ownership/management; age/size; opening times; fees and charges; regulations/by-laws; facilities; aims; notable features)

- Information for special interests (family historians; architectural historians; ecologists).

3.25 Not all information services will be relevant to all burial grounds. Closed burial grounds are unlikely to need information for the bereaved, but are more likely to want to provide information about the burial ground itself.

3.26 Information may also be provided in different ways. In many cases, notices, leaflets and interpretation boards will be appropriate, but burial grounds with, for example, close links to ‘Friends’ groups may be able to provide conducted tours or open days. Websites may be an option for all sites of interest, particularly where the burial ground is partly or wholly dependent on income from visitors and there is a need to attract them.

3.27 Burial ground managers will also wish to consider the educational benefits of providing information, particularly for schools and colleges. This might promote familiarisation with death, bereavement and memorialisation; record sources for local or national history; and examples of local environmental development and conservation. It should also help mainstream burial grounds as a beneficial resource for the local community in which to take pride.

Facilities

3.28 Burial ground managers should give consideration to the facilities provided for the bereaved and visiting members of the public. Such facilities might include:

- Shelter (including shelter at the graveside during the burial ceremony)
- Seating areas
- All-weather pedestrian access
- Car-parking
- Floristry
- Water supplies (for floral tributes)
- Litter and waste bins (including bins for dog faeces)
- Rubbish recycling
- Toilets
- Refreshments
- Signs.

3.29 The appropriate level of such facilities will depend on perceived demand and available resources. But burial ground managers should not feel that facilities are satisfactory simply because of lack of complaints. There is no reason why mourners and other visitors, including professional users, should not be invited to comment or make suggestions.

Ground maintenance

3.30 Burial grounds as open areas of green space will require maintenance if the site is not to degenerate into an eye-sore and a liability for the local community, attracting vandalism and other criminal activity. The extent and nature of the maintenance required will depend on the type of open space burial ground managers and their authorities wish to provide, varying from traditional lawn cemeteries, through wildlife conservation

areas, to natural (woodland) burial grounds. Many burial grounds will be large enough to offer more than one type of area and the maintenance regime for the site as a whole will need to be planned with this in mind. For aesthetics, health and safety purposes, and accessibility, a continuous programme of levelling may be required.

3.31 Depending on the requirements of individual sites, ground maintenance is likely to include:

- Grass-cutting
- Planting and up-keep of floral displays
- Trimming and care of trees and shrubs
- Care of grave areas, including removal of kerbstones and memorials where appropriate
- Care and cleaning of pedestrian and vehicular access routes
- Building maintenance
- Maintenance of boundary and internal walls, gates and fences
- Rubbish clearance
- Upkeep of signs and notices
- Ground levelling, as necessary.

3.32 The frequency and standards of these activities cannot readily be prescribed since much will depend on the type of burial ground in question, but the principle must be that the level of activity should achieve its purpose.

3.33 A lawn cemetery or section should therefore be neat and tidy, with graves and memorials laid out to a regular plan and kept in good condition. Grass should be cut regularly, depending on the time of year, and attention paid to ensure that the length of grass does not, wherever possible, mask any potential hazards. Paths and roads should be clean, provide hard, dry, access, and be signed, as should the site as a whole. Where there are flower borders, they should be offered to a standard comparable with other public flower displays. Trees and shrubs should be maintained so that they present no danger to staff or visitors, or impede access. Care is needed with the siting of trees so that fallen leaves, cones or berries do not present a hazard to pedestrian access routes or make graves untidy (tree roots, of course, may also inhibit the excavation of graves). Trees should also be checked regularly for anything that can be seen to be dangerous, with a formal inspection at

regular intervals, such as once a year. Anything other than minor work should be undertaken by a properly qualified tree surgeon. Replanting, particularly of tress and shrubs, should respect and complement the character of the original cemetery design. Buildings and other hard structures should be kept in a good state of repair, to avoid water ingress or premature deterioration of wood, brick, stone or tile. Litter should be cleared regularly and rubbish from operations and maintenance (grave spoil, grass cuttings etc) should be removed out of sight as soon as possible. Floral tributes can be left for removal by the families who brought them, but ultimately may need to be removed by ground staff. Notices setting out the authority's policy on removal of such material should be available and on display.

3.34 Where graves are re-opened, particularly in old burial grounds, managers will wish to ensure that any recognisable human bones or coffin items are removed from the spoil and disposed of appropriately. (Managers are reminded that the disturbance or removal of buried human remains will require either a licence, or, in relation to ground consecrated by the Church of England, a faculty.)

3.35 There is room for much debate on what amounts to a 'good state of repair', varying from pristine to all but hazardous. There is little legal guidance. The cost of regular maintenance can seem daunting, but eventually the cost of failure to maintain can be even higher. Financial liabilities may be incurred as a result of injuries or damage to staff or visitors, but the hidden costs are the deteriorating condition of the site which deters further burials (and income), alienates the community (a potential source of support), and encourages anti-social activity.

3.36 Burial grounds which seek to provide a haven for wildlife should be cultivated with this in mind, although managers will need to decide the balance to be struck between the needs of mourners and other visitors, and the practicalities of continuing to provide burial facilities (where this is the case). It is important to emphasise that an environmentally-sensitive burial ground is not an over-grown or unkempt one, and that the maintenance efforts required may be just as challenging as for a lawn cemetery. Although a different type of mowing regime will be required, (less grass cutting and horticultural maintenance can be expected) the need to maintain hard structures remains and there will still be a need to provide for proper litter and rubbish disposal.

3.37 Woodland/Natural/Environmental burial sites will present different maintenance requirements, but areas not yet used for burials will require appropriate levels of attention, and it will not necessarily be the case that planted areas can or should be left to fend for themselves. For example, care should be taken regarding grave markers which can readily become overgrown and a safety hazard

3.38 In all cases, burial managers should give detailed consideration to the specific maintenance requirements of their site, identify what action needs to be taken, and make explicit the standards expected. Whether the work is carried out by in-house staff, contractors, or even volunteers, supervision will be essential to ensure that standards are achieved and maintained.

3.39 More generally, the Office of the Deputy Prime Minister's Planning and Policy Guidance Note 17 (PPG17) provides a clear planning policy framework and guidance for green spaces, including cemeteries and burial grounds (see www.odpm.gov.uk/planning and Annex A).

4 Staff Training

4.1 In order to comply with health and safety legislation, and to provide a professional level of service, staff training is an essential investment. The scope of the training will depend on, amongst other things, the nature of the burial ground, the services offered, and the extent of outsourcing of, for example, responsibility for grave-digging and ground maintenance. While 'on-the-job' training has its place, burial managers need to consider whether skills and knowledge are up to date. Some training external to the burial authority is largely unavoidable. Where training has not previously been provided to any great extent, managers should first consider conducting a needs analysis to ascertain what skills may be in place and what additional needs there may be.

4.2 Training is likely to be needed in respect of:

- Health and safety
- Machinery operation
- Horticulture and landscaping
- Historic and natural environmental conservation
- Grave digging
- Building maintenance
- Record management
- Customer care and bereavement issues
- Burial law and practice
- Minority faith customs and practice.

4.3 There are many training opportunities available. The difficulty may be in planning to manage staff absences while attending training courses.

5 Planning

5.1 Managers of operational burial grounds need to plan ahead on a number of fronts, including:

- forecasting demands for grave space (and therefore the life of the burial ground)
- identifying prospective additional land for burials or making post-operational plans for the site
- meeting demands for, and exercise of, burial rights and other services
- considering the range of services to be provided for site users
- assessing the financial implications of demands, costs and charges.

5.2 Past data on grave demand will provide some indication of future requirements, but account should also be taken of local population changes, including age and faith/cultural profiles, which may affect the likely demand for burial services.

5.3 Where demand is forecast to use all available grave space within the following 10 years, it would be prudent for managers intending to extend the life of the burial ground to seek additional land for this purpose without delay. Taking account of the time needed to obtain planning permission and raise the necessary finance, it would be prudent to allow as long a lead time as possible to ensure continuity of burial services.

5.4 No assumption need be made that burial grounds must continue to function indefinitely. Managers may need to consider alternative uses for burial grounds which can no longer provide burial space. Options include development as an open space amenity (see the Open Spaces Act 1906) or development of a closed burial ground as an environmental, cultural or historical community asset. Churches may continue to flourish where their burial grounds become full, but in the case of Church of England churchyards, there is provision for responsibility for the maintenance of the churchyard to be transferred to local government if an Order in Council discontinuing burials is made and due notice is given of the wish to transfer the maintenance responsibility.

5.5 Woodland burial sites are generally designed to revert to woodland on completion of their use as a burial site. Managers for these sites and all other sites where burials are discontinued will need to consider how and where records and plans of the burials are to be preserved for the future, as well as for the future maintenance of the sites.

5.6 All these elements may sensibly be incorporated within a plan for the burial ground, which should be approved by the authority, reviewed regularly (at least every two years) and, subject to commercial considerations, be made public.

6 Finance

6.1 Managers will be aware that burial ground income derives from the provision of burial spaces and related services. Forecast income will therefore depend on forecast demand, and an assessment of costs, and what the market will bear. Fees and charges for municipal burial grounds will be subject to oversight by elected members, which will tend to temper rates. Costs may be subsidised by other local government activities, including the provision of cremation services. Charges elsewhere are more likely to reflect actual costs. In all cases, however, there is likely to be a mismatch between costs and income. Fees and charges should therefore be reviewed regularly, preferably annually, at the time the burial ground budget is fixed. Pressures on budgets will be increased where the proportion of old graves is greater than the number of new graves that can be opened, especially where the maintenance costs of older graves and an established site environment can be expected to be disproportionately higher.

6.2 Although local authorities are empowered to contribute to the costs of all burial grounds offering burial facilities in their areas, the assistance that can be expected from that quarter, other than where the authority is obliged to provide it, can be expected to be limited. Other financial resources to be considered, however, include grants from the Heritage Lottery Fund and volunteer assistance from within the community. It may be noted that (some) Jewish burial grounds raise regular donations from their communities as a form of voluntary tax or contribution to the cost of funerals.

7 Complaints

7.1 No service can meet the expectation of its users all the time, and all services are liable to human error. Managers should plan both to deal with complaints and to learn from them. Complaints are most likely to arise from disagreement with the burial authority's policy (e.g. level of fees, or site maintenance regime), or where things go wrong (e.g. booking the wrong day for the funeral, or allegations of rude or insensitive behaviour by staff). Managers should ensure that there is readily available information about how to complain, and that complaints procedures are not unduly bureaucratic. Complaint handling is most effective if the complaint can be made locally and quickly, with the local manager empowered to deal, without delay, with the majority of the complaints which can be anticipated.

7.2 It will be helpful for complaint procedures to include provision for complaints to be escalated if the complainant is not satisfied by the initial response. For local authority burial grounds, this may be through a more senior local government officer, or ultimately to elected members, with or without the assistance of local councillors or MPs. For churchyards, contact should be made initially with the minister. For private cemeteries, the normal route will be to the General Manager and on to the Operations Manager or Director. For authorities who are signatories to the Charter for the Bereaved, reference can be made to the charter organiser who can provide an independent investigation and report. In cases of the most serious complaints against burial grounds operated by Borough, District or Unitary authorities (but not town or parish councils), reference may be made to the Local Government Ombudsman.

7.3 Complaints are occasionally made to the DCA. Given its limited powers (see paragraphs 2.15-2.17 above), it is rare for the DCA to intervene formally, although steps will usually be taken to seek the views of the burial authority which is the subject of the complaint and to encourage as helpful a response as possible to be made. In some cases, however, more detailed enquiries may be made, especially if there appear to be grounds for exercising the statutory powers to discontinue burials in the burial ground in question.

8 Cultural, Environmental and Historical Heritage

The wide range of interests

8.1 Burial grounds are not simply places for the burial of the dead. They provide areas for the living to commemorate those who have died, a focal point to record and appreciate the life, aesthetics and ethos of previous generations, and, by default or design, a lightly used largely unbuilt environment offering an open space refuge for local flora and fauna, as well as for human recreation and enjoyment. The interest and appeal of burial grounds is to an audience much wider than those who have a friend or relative buried in the site. (The educational benefits of providing information about burial grounds are considered in paragraph 3.27 above.)

8.2 Burial ground managers need to recognise, provide for and, where appropriate, develop these various uses, which can complement the fundamental purposes of burial grounds. These need not be a purely charitable activity. Promoting burial grounds as part of the life of the community can reduce costs by broadening the appeal of the site to a wide range of interests. These are more likely to provide voluntary or other support in managing the historical, cultural and environmental heritage of the site. Opportunities for additional income generation may also arise through the sale of information, commemorabilia, and services.

8.3 Burial ground managers should therefore consider how best to develop links with local interest groups, and how those links might best be used. There will usually be a range of organisations interested in the history of the site, its structures and architecture, or of the persons buried there. There may be a separate range of interests in the landscape, or the plants and animals which have found a safe haven within it. There may also be more general supporters of the site (e.g. 'Friends' groups) whose interests are site-specific rather than thematic. All such groups may have much to offer burial ground managers by providing services which will help maintain the site, whether or not it continues to be used as a burial ground. Such services might include:

- ground or monument maintenance
- information services (on-site leaflets; website coverage; guided tours and talks)
- professional advice.

8.4 The National Federation of Cemetery Friends (NFCF) can provide information on voluntary groups.

8.5 It is right that the interests of all these various audiences should be catered for, as far as possible, as much as those of the relatives of the dead. The specialist assistance and advice available should also be cultivated. Burial ground managers should plan accordingly.

Preservation for posterity

8.6 The preservation of burial sites as an amenity for future generations is also an essential consideration. Although burial sites may be developed for other purposes, most are not, and the working assumption must be that the site will continue to be a resting place for the remains of many generations. Some of the assets of the site may be subject to legislation which protects them ('listed' buildings and landscapes by English Heritage; the faculty jurisdiction for Church of England churches and consecrated areas), but most will not, even though there may be strong argument for their preservation for the future. Responsible burial ground managers will be aware of their social obligations for, as well as the benefits of, preserving what is valued locally. To help with this, guidance on preparing a conservation management plan has been issued by English Heritage and English Nature (in *Paradise Preserved* published in 2002).

8.7 The key elements of any such plan will be to research and survey the burial ground, assess the cultural, historical and environmental value of the site, and to plan how to preserve or utilise these assets either while the burial ground is in use, or where the site is no longer able to provide burial services. Volunteer and professional groups will, in the main, be only too willing to help within the scope of their available resources.

8.8 In this context, it should be remembered that human remains, too, are of potential historical significance, if over 100 years old. While it may be impracticable to impose archaeological conditions when old, unmarked graves are disturbed by routine grave digging, the same does not apply to building works or larger scale development in a burial ground which necessitate disturbance of the ground to a level likely to impact upon old graves. In such instances, it is recommended that the relevant areas should be evaluated archaeologically prior to the commencement of work, and that any subsequent exhumations should be monitored, and if necessary carried out, by archaeologists.

Annex A

Sources of further advice and training

The following table (Table 1) provides guidance on sources of advice and training on a wide range of issues relevant to burial ground managers.

The **first column** identifies the issue on which further information may be required. The **second to fifth** columns identify the types of burial ground to which the issue is most likely to be relevant.

Not all burial grounds fall neatly into one or other of the categories, and many will have features of more than one category. But the approach may be helpful to managers when considering the issues which may be particularly relevant to a part or parts of the burial ground in question.

The final **two columns** provide details of written sources of information, and relevant training courses. A **bibliography** is given at page 53.

A further valuable source of information is the **web site** for the Institute of Cemetery and Crematorium Management, the address for which is www.iccm-uk.com.

Table 1: Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Provision of graves for burials	YES	YES	YES	NO	Churchyard Handbook, Chapter 5 ABA 'Reuse of graves in churchyards/cemeteries' ICCM Charter for the Bereaved – Grave Choice and Baby and Infant Graves	ICCM Diploma, Cemetery Management Module
Provision of facilities for cremated remains	YES	NO	NO	NO	Churchyard Handbook, Chapter 3 Charter for the Bereaved 'Cremated Remains'. Davies' Law of burial cremation and exhumation[1]	ICCM Diploma Management Module
Land acquisition	YES	YES	YES	NO	ABA: 'Planning or extending a cemetery or churchyard' & 'Strategic management of land for burial' Davies' Law of burial cremation and exhumation[1] ODPM Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation	ICCM Diploma, Cemetery Management Module

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Technical assessment	YES	YES	YES	NO		ICCM Diploma, Cemetery Management Module
Plot planning	YES	YES	YES	NO	ABA: 'Plot layout and grave digging'. Charter for the Bereaved, 'Burial'	ICCM COTS course 1.
Grave excavation and re-opening	YES	YES	YES	NO	Churchyard Handbook Chapter 3 and Chapter 7 'Exhumation' ABA 'Consecration of burial land 3' ICCM Code of Safe Working Practice for Cemeteries. Davies' Law of burial cremation and exhumation[1]	ICCM COTS: Course 1 Burial Process Course 2 Excavator Operation Course 3 Managers Awareness
Exhumation	YES		NO	NO	Davies' Law of burial cremation and exhumation[1]	ICCM Diploma: Cemetery management and law
Administration of the provision of graves	YES	YES	YES	NO	Davies' Law of burial cremation and exhumation[1]	ICCM Diploma, Cemetery Management Module. ICCM Granting and transferring burial rights and granting of Memorial Rights Course (now available)

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Record keeping	YES	YES	YES	YES	Churchyard handbook Chapter 5 'Registers & Records', Chapter 10 & Appendix 2 Davies' Law of burial cremation and exhumation[1]	ICCM Diploma, Cemetery Management Module.
Grave excavation planning	YES	YES	YES	NO	Churchyard Handbook Chapter 3 and Chapter 7 'Exhumation' ICCM Code of Safe Working Practice for Cemeteries.	ICCM COTS: Course 1 Burial Process, Course 2 Excavator Operation; Course 3 Managers Awareness ICCM Cemetery Sexton Training Course.
Allocation of land for local faith requirements	YES	NO	NO	NO	ABA 'Consecration of burial land 3' Charter for the Bereaved, 'Social and Community Aspects'	

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Customer services	YES	YES	YES	YES	ABA: Modern Model Rules & Regulations for Operation of a Burial Ground; and 'Guide to funerals and bereavement' by Sam Weller. ICCM Charter for the Bereaved – all chapters.	ICCM Diploma; ICCM: Meeting the needs of the customer[4] ICCM Excellence Workshops (now available) All ICCM COTS Courses. ICCM Customer care training course and DVD[2] ABA Seminar[5]
Sales and marketing	YES	YES	YES	YES	ABA: Modern Model Rules & Regulations for Operation of a Burial Ground; and 'Guide to funerals and bereavement' by Sam Weller. ICCM Charter for the Bereaved – all chapters	ICCM Diploma – Marketing Module. ABA Seminar.
Service standards	YES	YES	YES	YES	Church funerals group 'Dead Citizens Charter' ICCM Charter for the Bereaved.	LAM; ICCM: Meeting the needs of the customer[2]

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Complaints	YES	YES	YES	YES	ICCM Charter for the Bereaved, 'Grievance procedure'	ICCM COTS: Managers Awareness; ILAM; ICCM: Meeting the needs of the customer[2]
Advice	YES	YES	YES	YES	Charter for the Bereaved – overview of all procedures.	ABA helpline and informatives for industry and public. ICCM National Officers Consultancy Service and website www.iccm-uk.com
Provision of additional facilities	YES	PROBABLY	PROBABLY	NO	ABA design/planning link for architects; and [*Cemetery design booklet due out Winter 2006*] ICCM Charter for the Bereaved, Social and Environmental.	ABA Seminar

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Mortuaries and chapels	YES	YES	NO	NO	ABA design/planning link for architects; and [*Cemetery design booklet due out Winter 2006*] Davies' Law of burial cremation and exhumation[1]	ICCM Diploma; ICCM: Cemetery Sexton Training
Visitor amenities	YES	YES	YES	YES	Churchyard handbook Chapter 2 'Visitors, paths & rights of way' & Appendix 2 ICCM Charter for the Bereaved	ICCM: Cemetery Sexton Training
Provision of exclusive burial rights and rights to erect memorials	YES	YES	NO	NO	Churchyard handbook, Chapter 8. Charter for the Bereaved, 'Cemetery Memorials'. ABA Informatives. ICCM Code of Practice for the Management of Memorials. ICCM Model Memorial Masons Registration Scheme.	ICCM: Regional Memorial Management Seminars; ICCM: Granting & Transferring Burial Rights and Granting Memorial Rights course.

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Site and building maintenance	YES	YES	NO	YES	Churchyard handbook, Chapter 2 'Health and Safety', Chapter 5 'Maintenance' and 'Relocation of monuments', and Chapter 10 'Grassland'. ICCM Charter for the Bereaved, 'Maintenance of grounds and grave digging'	ICCM Diploma: Cemetery Management
Maintenance and landscaping policy	YES	YES	YES	YES	ABA: 'Lawn memorials and ground anchors' ICCM Charter for the Bereaved, 'Maintenance of grounds and grave digging' ABA/Zurich Guide to Memorial Safety in Burial Grounds. Green Space Strategies: A good practice guide, CABE Space May 2004 A Guide to Producing Parks & Green Space Management Place, CABE Space, May 2004	ICCM COTS: Managers Awareness. ICCM COTS: Health and Safety and Grass Cutting/ Burial process

Burial ground management: sources of advice and training opportunities

Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Staff and financial management	YES	YES	YES	NO	Finance – Churchyard handbook, Chapter 5 'Finance'. Staff – Charter for the Bereaved, 'Staff and Expertise'	ICCM Diploma Modules: Financial Management and Managing Activities.
Health & Safety management	YES	YES	YES	YES	Churchyard handbook Chapter 2 'Health & Safety' and Appendix 2. ABA/Zurich Guide, Guide to Memorial Safety in Burial Grounds. ICCM Code of Safe Working Practice for Cemeteries. ICCM Code of Practice for the Management of Memorials. ICCM Model Memorial Masons Registration Scheme. ICCM Health and Safety Compliance software	ICCM Diploma Managing Activities Module. All ICCM COTS Courses. ICCM Cemetery Sexton training course. ICCM Memorial Management seminars. ICCM Safe installation of memorials and Understanding the Namm Code courses. ICCM Manual Handling course. ABA Seminar.

Burial ground management: sources of advice and training opportunities

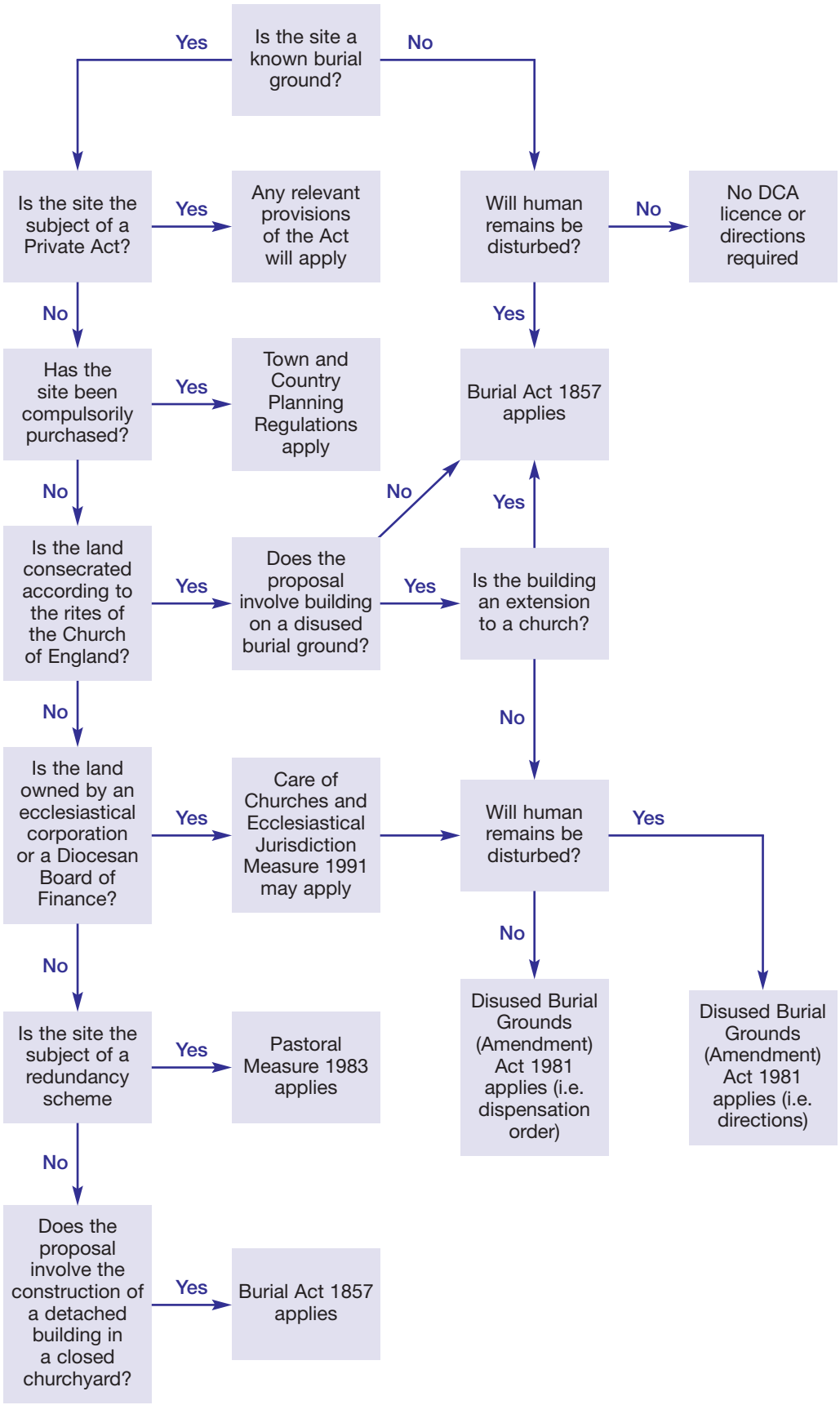
Management issue	Larger burial grounds	Smaller burial grounds	Denominational and specialist burial grounds	Closed churchyards burial grounds	*Sources of Information* and disused	*Training*
Conservation management	YES	YES	YES	YES	Churchyard handbook Chapter 2, Chapter 9 'Human Remains' and Chapter 10 'Wildlife conservation is a high priority'. Charter for the Bereaved, 'Environmental issues' English Heritage 'Paradise Preserved'. ICCM Model Conservation Management Plan (forthcoming)	BTCV[4] (general) ICCM Health and Safety and grass cutting; Conservation Management[5] Conservation Workshops[3]
Project management	YES	YES	YES	YES		ICCM Diploma. ABA Cemetery design service and consultancy.

Burial ground management: sources of advice and training opportunities						
Management issue	**Larger burial grounds**	**Smaller burial grounds**	**Denominational and specialist burial grounds**	**Closed churchyards burial grounds**	***Sources of Information* and disused**	***Training***
Contract law	YES	YES	YES	YES	Churchyard handbook, chapter 2. ABA, 'Consecration of burial land 2, 'Consecration of burial land 3' p2 and 'Safety law – burial grounds/ memorials & product liability'. Charter for the Bereaved, 'Appendix E' ABA/ Zurich Guide. Davies' Law of burial cremation and exhumation[1]	ICCM Diploma: Law module ILAM Course.

1. Source reference book
2. Expected October 2005
3. Organised on request
4. Non-cemetery specific but the training can be applied to burial ground management.
5. Training under development by ICCM, Corporation of London and English Heritage.

Annex B

Exhumation of human remains: application of legislation


Is the site a known burial ground?
Yes
No
Is the site the subject of a Private Act?
Yes
Any relevant provisions of the Act will apply
No
Has the site been compulsorily purchased?
Yes
Town and Country Planning Regulations apply
No
Is the land consecrated according to the rites of the Church of England?
Yes
Does the proposal involve building on a disused burial ground?
Yes
No
Is the building an extension to a church?
Yes
No
Is the land owned by an ecclesiastical corporation or a Diocesan Board of Finance?
Yes
Care of Churches and Ecclesiastical Jurisdiction Measure 1991 may apply
No
Is the site the subject of a redundancy scheme
Yes
Pastoral Measure 1983 applies
No
Does the proposal involve the construction of a detached building in a closed churchyard?
Yes
Burial Act 1857 applies
Will human remains be disturbed?
No
No DCA licence or directions required
Yes
Burial Act 1857 applies
Will human remains be disturbed?
Yes
Disused Burial Grounds (Amendment) Act 1981 applies (i.e. directions)
No
Disused Burial Grounds (Amendment) Act 1981 applies (i.e. dispensation order)

Annex C

Note on closure of Church of England burial grounds

Church of England churchyards may be closed to further burials by Order in Council in accordance with the provisions of section 1 of the Burial Act 1853.

DCA practice on receipt of an application to close such a churchyard is as follows.

Step 1 DCA records will be checked for any existing Order in Council relating to the site, and for evidence that the site, or part of it, has been opened with approval of the Secretary of State. (Burial grounds opened with such approval are not eligible for closure under section 1 of the Burial Act 1853.)

Step 2 The application will be checked for clarity as to the location and boundaries of the churchyard, as to any exemptions (e.g. in respect of existing graves) that may be required, and as to the existence of any other burial ground within the ecclesiastical parish which may serve to discharge the obligation to bury those with a right to be buried within the parish.

Step 3 If the application appears to be eligible and properly defined, observations will be sought from the relevant town or parish council, and the relevant district or borough council or unitary authority. Such observations must relate to confirmation or otherwise of the churchyard's eligibility for closure because of lack of space for further graves, or because further burials would constitute a public nuisance, or be contrary to public health or decency. The condition of the churchyard is not a factor for consideration by the DCA.

Step 4 If no valid objections are received, the DCA will invite an advertisement to be placed in a local paper in order to give notice of the intention to seek an Order in Council. This is to provide an opportunity for parishioners to voice any objections within three weeks of the advertisement appearing.

Step 5 If no valid objections are received in response to the advertisement, notice will be given to the incumbent and the local authorities consulted that representations will be made for an Order in Council after the expiry of 10 days. This provides a further opportunity to raise objections.

Step 6 If no valid objections are received, representations will be made to the Privy Council Office.

If the application is in order, the Privy Council Office will arrange for notices as to the intention to make an Order in Council to be displayed locally for one month prior to their consideration.

If no objections are received, the Privy Council will consider the application at the next appropriate meeting, and may approve the application. Copies of the Order duly made will be supplied to the incumbent and to the DCA, and details published in the London Gazette.

At any time following the making of such an Order in Council, the parochial church council may give notice to the town, parish or other relevant council of its intention to pass responsibility for maintenance of the churchyard to that council.

If the town, parish or other relevant council do not wish to accept that responsibility, notice must be given of the intention to pass it on to the relevant district or borough council. This notice must be given within three months (but twelve months should be stated for financial reasons) of receipt of the notice from the parochial church council.

Annex D

Contact details: faith communities

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Annex E

Legislation referred to in this document

Statutes

Burial Act 1853

Burial Act 1855

Burial Act 1857

Burial Act 1859

Disused Burial Grounds (Amendment) Act 1981

Local Government Act 1972

Occupiers' Liability Act 1957

Occupiers' Liability Act 1984

Open Spaces Act 1906

Parochial Registration and Records Measure 1978

Pastoral Measure 1983

Registration of Burials Act 1864

Regulations

Local Authorities' Cemeteries Order 1977

Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950

Glossary

Glossary of funerary and cemetery terminology used in the United Kingdom[3]

Altar tomb: See chest tomb

Alternative funeral: Anything different from a conventional British ceremony or procedure, e.g. green or woodland burial, exuberant celebration of a life. (See also Family Arranged Funeral)

Ashuary: Place or chamber for the common burial or deposit of cremated remains after a period of deposit in a columbarium or vault. See ossuary

Bale-tomb: Cotswold type of chest tomb with semi-cylindrical or grooved top

Base-bedded: Stones laid with natural strata horizontal

Bier: Platform or stand on which a corpse or a coffin rests before a burial

Body slab: See ledger

Body stone: A stone covering the length of a grave, shaped narrower at the foot, gabled like a roof or rounded

Box tomb: See chest tomb

Burial: See deposition

Casket: [a] Container for a corpse which is rectangular rather than tapered, usually made of wood in UK. See coffin. [b] A box like container for cremated remains

Catacomb: Building or structure above or below ground comprising niches arranged in rows on several storeys into which en-coffined corpses and urns of ashes are deposited and sometimes walled up or enclosed by gates or glass panel

Catafalque: Temporary raised platform on which a body lies in state before and/or during a funeral service

Cemetery section: Division of a cemetery comprising a group of graves and memorials

Cenotaph: A sepulchral monument without remains

[3] Compiled by the Association of Burial Authorities.

Chapel of rest: Where a body is kept prior to a funeral, perhaps for viewing euphemism for a mortuary

Chappelle: (Fr) A roofed building located above a vault, used for ceremonies of remembrance and committal, and as a memorial

Charnel house: See ossuary

Chest tomb: Stone or brick box set above a grave or vault. See also box tomb

Columbarium wall: A wall upon which memorial plaques can be fixed. Often near a scattering lawn **(Columbarium):** Building having a room or rooms with shelves or niches to take urns with ashes either on display or sealed with a plaque. Also a structure above ground comprising niches arranged in rows and on several storeys into which urns are deposited and usually sealed with a plaque

Cremation section: Division of a cemetery comprising a group of graves and memorials dedicated to after cremation commemoration. See cemetery section

Crematory: Room in a crematorium where the cremators are located

Cremulator: Machine which reduces to a powder the calcified bone remaining after a cremation

Crypt: Underground cell, chamber for the deposit of encoffined corpse(s)

Dead-board: See leaping board

Deposition: [a] of a body: Burial in a grave or placement in a vault or walled grave or in a mausoleum or catacomb [b] of cremated remains (ashes): by scattering: Distribution on the surface of the ground by strewing: Distribution beneath a layer of turf or directly onto the soil underground by burial: Placing in a container in a hole in the ground (a grave) or a vault or walled grave below ground by placement: Placing in a container in a columbarium niche or mausoleum or catacomb above ground

Diocesan: Of or relating to a diocese

Diocese: District under the jurisdiction of a bishop

Eco-coffin: Coffin made with concern for the ecology or environment, e.g. from cardboard, willow, bamboo

Exclusive Right of Burial: A right granted by deed by a burial authority to a person or persons for the exclusive rights to a piece of ground

Exhumation: [a] of a corpse or cremated remains: Disinterment or removal after deposition [b] of cremated remains: Digging up after burial

Faculty: A permit issued by the Church of England to allow the introduction of memorials, permit exhumations from consecrated ground in cemeteries or churchyards and carry out other developments in a church and churchyard or on consecrated sections of a cemetery

Farm burial: See green burial

Footstone: Like a headstone and associated with it, but smaller and set at the foot of a grave, usually with a limited inscription

Grave board: Inscribed plank supported by upright posts, a later form of grave rail also called a bed board, leaping board (q.v.)

Grave numbering: A system of allocating and recording grave locations

Grave Owner: The person named as the owner of the Exclusive Right of Burial

Green burial: Generic term for burial demonstrating an ecological concern also woodland, natural, farm

Ground founding: Installing a memorial, usually a monolith, directly into the earth

Head board: A wooden board with carved and/or painted inscription and often ornamentation set at the head of a grave in place of a headstone

Headstone: An upright slab carrying an inscription, and often ornamentation, set at the head of a grave

Inhumation: Burial of a corpse, usually encoffined, by covering with earth in a grave

Interment: Burial in the ground. See also inhumation

Inurnment: Deposit of an urn or casket containing cremated remains in a columbarium, mausoleum, vault etc or into the ground

Kerbs or kerbset: Strips of stone set to surround a grave and containing a grave garden, chippings, paving or body slab

Landing stone: A single piece of stone or concrete placed flat over a grave as a foundation upon which a monument is constructed

Lawn cemetery: A cemetery comprising rows of headstones with mown grass in between, intended to simplify ground maintenance. Opportunities for memorial objects is strictly limited

Lawn memorial: A headstone of strictly regulated dimensions such as installed in a lawn cemetery usually of the plinth and plate design

Leaping board: A memorial in the form of a wooden plank raised on two posts and running the length of a grave. Inscription may be painted and/or carved

Ledger: A stone normally covering the length and width of an earth or walled grave. May be flat, tapered (sloping) or with oval or peon top. See also body slab

Lich gate or lych gate: Roofed gate to a churchyard, formerly used as a temporary shelter for the bier during a funeral

Loculus: Shelved recess in catacomb for encoffined body

Mausoleum: Roofed building with shelves or niches (loculi) to take encoffined corpses, usually reserved for a family or group in UK.

Memorial: Generic term for a monument to a dead person or persons

Memorial garden: Also known as Garden of Remembrance (for cremated remains) Lawn or garden where ashes are deposited by scattering, interment or strewing, often with associated memorials

Monolith: Memorial made in one piece, usually set straight into the ground

Monument: Generic name for any form of sepulchral commemoration

Mortuary chapel: Building in cemetery for temporary safekeeping of a corpse

Natural burial: See green burial

Niche: A recess intended to accommodate a cremation urn, usually sealed with an inscribed tablet. It may contain one or several urns

Ogee: The shape of a curve on the top of a headstone having a cross section in the form of a flattened letter ‘s’

Ossuary: A place or chamber for the common burial or deposit of the bones of the dead. An urn for bones. See charnel house

Pedestal tomb: like a chest tomb but taller, smaller in girth and can be square, three-cornered, oval or round

Peon: Inverted ‘v’ shape on top of a memorial like the gable of a house

Plate: Upright part of a lawn memorial (sometimes called a slab)

Plinth: Rectangular slab part of a lawn memorial upon which the plate is mounted

Putlogs: Wooden struts placed across the grave on which to rest the coffin prior to committal

Recordia panel: A stone tablet, upon which the names of a number of people are recorded, usually their cremated remains are deposited nearby

Riven: Natural rough finish to a stone achieved by splitting it along the grain

Sarcophagus: Stone coffin, especially one with carvings

Scattering lawn: Grassed area where cremated remains are scattered

Sexton: Old-fashioned term for the representative of the burial authority that attends at funerals. Also describes the keeper of a churchyard

Shoring: Wooden planks or proprietary equipment used to support the sides of an excavation in order to prevent collapse

Strewing: The placing of cremated remains beneath the turf. See deposition

Table tomb: Raised ledger supported at each corner by small columns standing on a landing stone

Tablet: As plaque but larger

Teleshore Electronic Stability Tester: Electronic instrument to assess the stability of memorials by measuring their resistance to force

ToppleTester: registered trade name for a force measuring instrument to test stability of memorials.

Traditional memorial: A memorial comprising a kerb set

Urn: Container for cremated remains or a decorative feature on a monument

Vault: An underground chamber for the deposit of corpses or cremated remains

Walled grave: A grave that is lined with brick, stone, concrete or similar material

Woodland burial: See green burial.

Abbreviations

All abbreviations relate to those found in the text.

ABA – Association of Burial Authorities

C of E – Church of England

CBA – Confederation of Burial Authorities

CCC – Council for the Care of Churches

CCT – Compulsory competitive tendering

CPA – Comprehensive Performance Assessment

CWGC – Commonwealth War Graves Commission

BTCV – British Trust for Conservation Volunteers

COSHH – Control of Substances Hazardous to Health Regulations 1999

COTS – Cemetery Operatives Training Scheme

CWGC – Commonwealth War Graves Commission

DAC – Diocesan Advisory Committee

EEC – European Economic Community

EU – European Union

FBCA – Federation of British Cremation Authorities

HSC – Health and Safety Commission

HSE – Health and Safety Executive

HASWA – Health and Safety at Work Act 1974

ICCM – Institute of Cemetery and Crematoria Management

ILAM – Institute of Leisure and Amenity Management

IOSH – Institute of Occupational Safety and Health

LA – Local Authority

LACO – Local Authorities Cemeteries Order 1977

LOLER – Lifting Operations and Lifting Equipment Regulations

NFCF – National Federation of Cemetery Friends

NAFD – National Association of Funeral Directors

PC – Parish Council

PCC – Parochial Church Council

RIDDOR – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985

SAIF – Society of Allied Independent Funeral Directors

SLCC – Society of Local Council Clerks

TC – Town Council.

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